



Americans for Democratic Action

July 16, 2004

Dear Representative:

Americans for Democratic Action (ADA) urges you to oppose the "Marriage Protection Act of 2003." ADA, the country's oldest liberal lobbying organization representing over 60,000 members nation-wide, opposes it and any other legislation that blatantly disregards the U.S. Constitution.

The Marriage Protection Act (H.R. 3313) would deny the Supreme Court and all other federal courts the ability to consider any challenges to the Defense of Marriage Act (DOMA). It would deny gay and lesbian couples the right to have their day in federal court, thereby violating both the Equal Protection Clause and Due Process Clause of the Fifth Amendment as well as the principle of Separation of Powers.

The Marriage Protection Act is unconstitutional because it violates equal protection guarantees for a particular minority group, gay and lesbian Americans. By withdrawing federal jurisdiction over challenges to DOMA, H.R. 3313 would completely deny gays and lesbians, and only gays and lesbians, the ability to seek governmental protection of constitutional rights in federal courts. This unequal treatment of a particular group is a clear infringement of the principle of Equal Protection.

Additionally, due process calls for an autonomous judicial forum capable of determining federal constitutional rights. The Marriage Protection Act would force plaintiffs out of federal courts, and into state courts, which may be unsympathetic or hostile and may lack expertise and independent safeguards provided to federal judges.

What's more, the Marriage Protection Act is inconsistent with the Separation of Powers and disrupts the system of "checks and balances" upon which our country was founded, leaving the executive and legislative branches "unchecked" by the judicial branch. Furthermore, distrust of "unelected activist judges" is not a sound argument for the Marriage Protection Act. Unelected judges are an essential part of the American legal system, protecting minorities from the "tyranny of the majority."

Finally, court-stripping legislation has been proposed before on a variety of issues, but Congress has rejected jurisdiction-stripping bills each time because they are in violation of our constitutional system. ADA urges you to follow suit and vote NO on the Marriage Protection Act.

Sincerely,

Amy Isaacs
National Director